To: Sisk, Richard[Sisk.Richard@epa.gov]
From: Greg Etter
Sent: Tue 4/1/2014 9:45:16 PM
Subject: RE: Request for Access on the Upper Animas for water quality sampling

.....
;;;;;;;
Thanks, Richard. Look forward to receiving a property description such that we can at least identify where you would like access and determine whether such property is even on the Animas and whether we even own the same. Obviously, we are trying to work with you here, on a short lead time and with Nathan out of pocket, but right now we have no clue about the property.

Am I to take it from your note that EPA would be unwilling to offer any type of protection whatsoever for SGC with respect to access across/onto the property?

Regards.

Greg

From: Sisk, Richard [mailto:Sisk.Richard@epa.gov]
Sent: Tuesday, April 01, 2014 4:22 PM
To: Greg Etter; Schmittdiel, Paula
Cc: Nathan M. Longenecker; Rudy, Michael; Hestmark, Martin; Wharton, Steve; Wall, Dan
Subject: RE: Request for Access on the Upper Animas for water quality sampling

Greg – EPA is requesting Sunnyside's consent for access only, EPA is not requesting to enter into any sort of agreement, and EPA will not agree to the language you suggest below. As you may know, EPA has broad access authority under Superfund and if property owners are not willing to consent to access with reasonable conditions based on the access requested, EPA will seek to gain access using its broad access authority. If Sunnyside is not willing to sign a consent for access close to the draft EPA sent, please let us know immediately, so we can decide on our next course of action.

We will endeavor to more accurately describe the property this sampling point is on and get back to you.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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From: Greg Etter [mailto:Greg.Etter@Kinross.com]
Sent: Tuesday, April 01, 2014 2:53 PM
To: Schmittdiel, Paula; Sisk, Richard
Cc: Nathan M. Longenecker
Subject: RE: Request for Access on the Upper Animas for water quality sampling

Thanks, Paula, but the Map that you provided is too general to be of utility to us. As discussed, as part of the ongoing collaborative process, we have no conceptual problem with granting EPA access either: 1) across SGC ground to get to other property; or 2) onto SGC ground to sample the Animas. On a quick initial look, however, our land guys do not show a "Blair Placer" mining claim as being SGC owned. If you could provide a detailed Map or an MS#, that would be extremely helpful. Additionally, as discussed, and for your discussion with Richard, I expect that some protective language, such as set forth below, would be appropriate in a mutually signed Consent.

Thanks and regards.

Greg

Grantee is aware that the above-referenced activity (the "Activity") entails risk of injury or death. EPA assumes full responsibility for any and all bodily injury, accidents, illness, death, and loss of personal property, together with any and all expenses related to the foregoing. Grantee knowingly and freely assumes all such risks, both known and unknown, even if arising from the negligence of others, including Grantor. EPA SHALL DEFEND, INDEMNIFY AND HOLD GRANTOR, ITS OFFICERS, DIRECTORS, AFFILIATES, EMPLOYEES, AND AGENTS HARMLESS FROM AND AGAINST ANY AND ALL, WITHOUT LIMITATION, DAMAGES, LOSSES, EXPENSES, LIENS, CLAIMS, DEMANDS AND CAUSES OF ACTION OF EVERY KIND AND CHARACTER FOR DEATH, PERSONAL INJURY, PROPERTY DAMAGE, OR ANY OTHER LIABILITY ARISING OUT OF OR RELATING TO THE ACTIVITY, INCLUDING COSTS, ATTORNEYS' FEES AND SETTLEMENTS TO THE FULL EXTENT ALLOWED BY LAW, WHETHER ARISING FROM THE NEGLIGENCE OF GRANTOR OR OTHERWISE.

From: Schmittdiel, Paula [mailto:Schmittdiel.Paula@epa.gov]
Sent: Tuesday, April 01, 2014 11:09 AM
To: Greg Etter
Cc: Sisk, Richard
Subject: RE: Request for Access on the Upper Animas for water quality sampling

Greg – Per our conversation, I'm sending a map showing the approximate locations of the sampling points. Call if you have any questions. Thank you.

Paula Schmittdiel

Remedial Project Manager

U.S. Environmental Protection Agency

1595 Wynkoop St.

Denver, CO 80202

Office: 303-312-6861

Fax: 303-312-7151

Cell: 720-951-0795

From: Greg Etter [mailto:Greg.Etter@Kinross.com]
Sent: Tuesday, April 01, 2014 9:45 AM
To: Schmittdiel, Paula
Cc: Sisk, Richard
Subject: RE: Request for Access on the Upper Animas for water quality sampling

Paula:

Missed you when I called. Please ring me when you have the opportunity.

Thank you.

Greg

Greg V. Etter

Vice President

Sunnyside Gold Corporation

210-355-1328 (C)

210-687-1551 (O)

Begin forwarded message:

From: "Schmittdiel, Paula" <Schmittdiel.Paula@epa.gov>
To: "Larry Perino" <Larry.Perino@kinross.com>
Cc: "Sisk, Richard" <Sisk.Richard@epa.gov>
Subject: Request for Access on the Upper Animas for water quality sampling

Larry – EPA's attorney, Richard Sisk has spoken with Kinross attorney, Nathan Longenecker. Mr. Longenecker is currently on a family vacation and so he told Richard that I should go ahead and contact you. I left you voice mail message this afternoon and I will

probably see you at the brainstorming session in Denver tomorrow afternoon.

EPA is requesting access to one of Sunnyside Gold Corporation's mine claims that we believe provides access to the Animas River at a sampling location that has been used in the past by the ARSG as well as EPA and other interested groups. The access is for the conduct of water quality and sediment sampling as well as fish and aquatic insect sampling during the 2014 field season. I've attached a letter requesting access and describing the field activities as well as a Consent for Access form for your signature as the representative of Sunnyside Gold Corporation.

If you have any questions, I would be glad to answer them either via phone or perhaps at tomorrow's brainstorming session.

Thank you.

Paula Schmittdiel
Remedial Project Manager
U.S. Environmental Protection Agency
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Denver, CO 80202
Office: 303-312-6861
Fax: 303-312-7151
Cell: 720-951-0795